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FM AMEMBASSY PHNOM PENH

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INFO RUCNASE/ASEAN MEMBER COLLECTIVE

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SIPDIS

SENSITIVE

SIPDIS

DEPARTMENT FOR G/TIP, EAP/MLS and EAP/RSP  
GENEVA FOR RMA

E.O. 12958: N/A

TAGS: PHUM PREL KWMN CB

SUBJECT: AUSTRALIAN PEDOPHILE CONVICTED DESPITE WITNESS WITHDRAWAL

**¶11.** (SBU) Summary: The Phnom Penh Appeals Court has upheld the conviction of an Australian pedophile despite the withdrawal of complaints against the accused by nine of ten witnesses. We are pleased that the Cambodian court relied on forensic evidence to uphold the conviction and did not let itself be swayed by the withdrawal of the witnesses' complaints. End Summary.

**¶12.** (U) On June 9, despite the withdrawal of complaints against accused Australian pedophile Bart Lauwert by nine of the ten witnesses, the Phnom Penh Appeals Court upheld its sentence of a 20-year jail term because forensic evidence pointed to Lauwert's guilt.

**¶13.** (U) Lauwert's former Phnom Penh roommate, Clinton Betteridge, who in 2003 had been convicted in absentia to 10 years in prison after fleeing Cambodia for Australia, was released from an Australian prison that same day. According to press reports, the Australian Justice Minister cited as the basis for Betteridge's release the Cambodian government's failure to respond to a request for a retrial and the fact that witnesses had recanted their testimony. Betteridge also claimed that he had been tortured while in Siem Riep prison. The witnesses who had recanted their testimonies accused CWCC of having offered them \$5000 each to testify against the Australians and keeping them in a shelter against their will.

**¶14.** (SBU) Cambodian Women's Crisis Center (CWCC) Director Oung Chanthol expressed disappointment with Australia's release of Betteridge, claiming that there was more than enough evidence to secure a conviction, including pornographic material, photographs of the victims, graphic testimony and drugs. She also dismissed the claim that police tortured Betteridge in jail. Chantol added that she thought the allegation that CWCC paid the victims for their testimony was an attempt to exact revenge on CWCC for its role in gathering evidence in the case.

**¶15.** (U) Pedophile message board members have launched multiple websites in support of the two pedophiles. On these websites, photos of CWCC staff are posted to alert other pedophiles, as well as information that teaches ways to intimidate CWCC can also be found. Other sites contain statements exonerating the pedophiles and generic letters addressed to Australian government officials for readers to print and sign.

**¶16.** (SBU) Comment. Often in Cambodia, witnesses withdraw their complaints or refuse to provide testimony in criminal cases because of threats or bribes. We are pleased that, despite the witnesses' withdrawal from this case, for once the Cambodian courts appear to have done the right thing in upholding Lauwert's sentence by relying on overwhelming forensic evidence.

MUSSOMELI